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August 24, 2005

Mr. Charles Terreni
Chief Clerk of the Commission
SC Public Service Commission
P. O. Drawer 11649
Columbia, SC 29211

RE: Application of Duke Energy Corporation for Authorization to Enter
Into a Business Combination Transaction with Cinergy Corporation
Docket No. 2005-210-E

Dear Mr. Terreni:

Enclosed please find for filing an original and ten (10) copies of the Petition to Intervene of the South Carolina Energy Users Committee ("SCEUC") in the above-captioned matter. By copy of this letter, I am serving all parties of record.

I have enclosed an extra copy of this petition which I would ask you to date stamp and return to me in the stamped self-addressed envelope enclosed for your convenience. If you have questions, please feel free to contact me.

Sincerely Yours,

ELLIOTT & ELLIOTT, P.A.



Scott Elliott

SE/jcl
Enclosures

c: All parties of record (w/Encl.)

OK D. Duke
OK D. Duke

RECEIVED

AUG 25 2005

PSC SC
DOCKETING DEPT.

STATE OF SOUTH CAROLINA
BEFORE THE PUBLIC SERVICE COMMISSION

DOCKET NO. 2005-210-E

IN THE MATTER OF:

Application of Duke Energy Corporation
For Authorization to Enter into a Business
Combination Transaction with Cinergy
Corporation

PETITION TO INTERVENE

The South Carolina Energy Users Committee ("SCEUC") hereby petitions the South Carolina Public Service Commission ("Commission") pursuant to R.103-836 of the Commission's rules and regulations to intervene and be made a party of record in the above-captioned docket. In support of this Petition, SCEUC would allege as follows:

1. That Duke Energy Corporation ("Duke") has filed an application pursuant to S.C. Code Ann. §58-27-1300 (Supp. 2004) for authorization to enter into a business combination with Cinergy Corporation ("Cinergy"); that §58-27-1300 provides for Commission approval prior to the consolidation or merger of a utility's property, power, franchises, or privileges. The Commission has established Docket No. 2005-210-E to consider the application filed by Duke.

2. That SCEUC is an association organized in the State of South Carolina, consisting of large consumers of energy which are engaged in various manufacturing enterprises throughout the State.

3. That a number of members of SCEUC purchase and consume substantial amounts of electricity from Duke.


4. That SCEUC and its members have a direct and material interest in the issues to be addressed and resolved by the Commission in this docket and the interests of its members are not adequately represented by the current parties to this proceeding.

5. That given the state of the record at this stage of the proceedings, SCEUC lacks sufficient information to fully develop and state its position in this proceeding at this time.

6. That granting SCEUC's request to be made a party of record in this proceeding is in the public interest, is consistent with the policies of the Commission in encouraging maximum public participation in issues before it, and should be allowed so that a full and complete record addressing its views and concerns can be developed.

7. That in accordance with Rule R. 103-804 (S) of the Commission's Rules of Practice and Procedure, Petitioner is represented by counsel in this proceeding:

Scott Elliott, Esquire
Elliott & Elliott, P.A.
721 Olive Street
Columbia, South Carolina 29205
Telephone: 803-771-0555
Fax: 803-771-8010



WHEREFORE, Petitioner prays for the following relief:

- a. That this Petition to Intervene be accepted and that Petitioner be made a party of record;
- b. That Petitioner be allowed to participate fully in this proceeding and take such positions as it deems advisable; and

CERTIFICATE OF SERVICE

The undersigned employee of Elliott & Elliott, P.A. does hereby certify that (s)he has served below listed parties with a copy of the pleading(s) indicated below by mailing a copy of same to them in the United States mail, by regular mail, with sufficient postage affixed thereto and return address clearly marked on the date indicated below:

RE: Application of Duke Energy Corporation for Authorization
to Enter into a Business Combination Transaction with
Cinergy Corporation

DOCKET NO.: 2005-210-E

PARTIES SERVED: William F. Austin, Esquire
Austin Lewis and Rogers, PA
508 Hampton Street
Columbia, SC 29201

Shannon B. Hudson, Esquire
Office of Regulatory Staff
P. O. Box 11263
Columbia, SC 29211

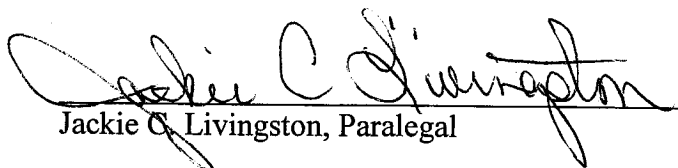
Paul R. Newman
Duke Energy Corporation
P. O. Box 1244
Mail Code: 1244
Charlotte, NC 28201-1244

Docketing Department
PSC
P. O. Drawer 11649
Columbia, SC 29211

Florence P. Belser, Esquire
Office of Regulatory Staff
P. O. Box 11263
Columbia, SC 29211

PLEADING: PETITION TO INTERVENE BY SOUTH CAROLINA
ENERGY USERS COMMITTEE

August 24, 2005


Jackie C. Livingston, Paralegal